

(b) The Board consists of a chairman and two other members all of whom shall be attorneys at law duly licensed by any State or the District of Columbia. The decision of a majority of the Board constitutes the decision of the Board. Board members are designated as Administrative Judges and the chairman is designated as Chief Administrative Judge.

§ 703.13 Decisions on questions of law.

When an appeal is taken pursuant to a disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board, may, in its discretion, hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal, should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

§ 703.14 Contract appeals procedure.

(a) *Rules.* Appeals referred to the Board are handled in accordance with the rules of the Board.

(b) *Administration and interpretation of rules.* Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

(c) *Preliminary procedures.* Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise.

PRELIMINARY PROCEDURES

§ 703.101 Appeals, how taken.

An appeal from a decision of a contracting officer shall be taken by notice of appeal, in writing, addressed to the Board, and shall be mailed to, or filed with, the contracting officer, within the time allowed by the contract or applicable provision of directive or law.

§ 703.102 Notice of appeal, contents of.

(a) The notice of appeal shall identify the contract by number, and shall specify the portion of the decision from which the appeal is taken, and the reasons why the decision of the contracting officer is deemed erroneous. It shall include a request for application of the accelerated procedure, if such is desired under § 703.112. All papers filed after the notice of appeal should be sent directly to the Board, with concurrent service upon the other party or parties.

(b) The notice of appeal should be signed personally by the appellant (the contractor taking the appeal, or a subcontractor under a cost-type prime contract which contains a dispute provision), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in § 703.106 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of § 703.106 for a complaint.

§ 703.103 Forwarding of appeals.

When a notice of appeal has been received by the contracting officer, he shall, within 10 days, endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and shall forward said notice of appeal to the Board. In so notifying the Board, the contracting officer shall include the following information: Date of receipt by the appellant of the contracting officer's decision; date of receipt by the contracting officer of the appellant's notice of appeal; amount of the claim; whether appellant is a small business; whether accelerated procedure has been requested, and if so, the names, addresses, and telephone numbers if known, of any attorney or attorneys representing the appellant, the contracting officer and any other parties to the appeal. Following receipt by the Board of the original notice of an appeal, the same will be docketed and the appellant and contracting officer so advised.